



# APPLICATION SPECIAL USE PERMIT

MAY

SPECIAL USE PERMIT # 2009-0011

PROPERTY LOCATION: 106-108 N. Washington Street

TAX MAP REFERENCE: 74.02-02-10 ZONE: GC

**APPLICANT:**

Name: The Burger Joint

Address: 4827 Fairmont Avenue, Bethesda, MD 20814

PROPOSED USE: Restaurant

[ ] **THE UNDERSIGNED**, hereby applies for a Special Use Permit in accordance with the provisions of Article XI, Section 4-11-500 of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

[ ] **THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria staff and Commission Members to visit, inspect, and photograph the building premises, land etc., connected with the application.

[ ] **THE UNDERSIGNED**, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article IV, Section 4-1404(D)(7) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

[ ] **THE UNDERSIGNED**, hereby attests that all of the information herein provided and specifically including all surveys, drawings, etc., required to be furnished by the applicant are true, correct and accurate to the best of their knowledge and belief. The applicant is hereby notified that any written materials, drawings or illustrations submitted in support of this application and any specific oral representations made to the Director of Planning and Zoning on this application will be binding on the applicant unless those materials or representations are clearly stated to be non-binding or illustrative of general plans and intentions, subject to substantial revision, pursuant to Article XI, Section 11-207(A)(10), of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

The Burger Joint

By: M. Catharine Puskar, Attorney

M. Catharine Puskar by EAC 2/24/09  
Signature Date

Print Name of Applicant or Agent

WALSH, COLUCCI, LUBELEY, EMRICH & WALSH, PC

2200 Clarendon Boulevard, 13th Floor

(703) 528-4700

(703) 525-3197

Mailing/Street Address

Telephone #

Fax #

Arlington, VA 22201

cpuskar@arl.thelandlawyers.com

City and State

Zip Code

Email address

ACTION-PLANNING COMMISSION: \_\_\_\_\_ DATE: \_\_\_\_\_

ACTION-CITY COUNCIL: \_\_\_\_\_ DATE: \_\_\_\_\_

SUP # 2009-0011

**PROPERTY OWNER'S AUTHORIZATION**

As the property owner of 106-108 N. Washington Street, I hereby  
(Property Address)

grant the applicant authorization to apply for the The Burger Joint use as  
(use)

described in this application.

Jemals Timbermans LLC  
Name: By: M. Catharine Puskar, Attorney Phone (703) 528-4700

Please Print Attn: Douglas Development Corporation  
Address: 702 H Street, NW, Suite 400 Email: cpuskar@arl.thelandlawyers.com  
Washington, DC 20001

Signature: M. Catharine Puskar by em Date: 2/24/09

1. Floor Plan and Plot Plan. As a part of this application, the applicant is required to submit a floor plan and plot or site plan with the parking layout of the proposed use. The SUP application checklist lists the requirements of the floor and site plans. The Planning Director may waive requirements for plan submission upon receipt of a written request which adequately justifies a waiver.

☒ Required floor plan and plot/site plan attached.

☐ Requesting a waiver. See attached written request.

2. The applicant is the (check one):

☐ Owner

☐ Contract Purchaser

☒ Lessee or

☐ Other: \_\_\_\_\_ of the subject property.

State the name, address and percent of ownership of any person or entity owning an interest in the applicant or owner, unless the entity is a corporation or partnership, in which case identify each owner of more than ten percent. Ownership interest for The Burger Joint is stated below:

Mark Bucher 7820 Statford Road, Bethesda, Md 20814

(43% ownership)

John Ripley 35841 Troon Court, Round Hill, VA 20141

(57% ownership)

SUP # 2009-0011

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia?

☐ **Yes.** Provide proof of current City business license

☒ **No.** The agent shall obtain a business license prior to filing application, if required by the City Code.

## NARRATIVE DESCRIPTION

**3. The applicant shall describe below the nature of the request in detail so that the Planning Commission and City Council can understand the nature of the operation and the use. The description should fully discuss the nature of the activity. (Attach additional sheets if necessary.)**

Please see attached.

## USE CHARACTERISTICS

4. The proposed special use permit request is for (*check one*):

- ☒ a new use requiring a special use permit,  
☐ an expansion or change to an existing use without a special use permit,  
☐ an expansion or change to an existing use with a special use permit,  
☐ other. Please describe: \_\_\_\_\_

5. Please describe the capacity of the proposed use:

A. How many patrons, clients, pupils and other such users do you expect?  
Specify time period (i.e., day, hour, or shift).

120 per day.  
\_\_\_\_\_  
\_\_\_\_\_

B. How many employees, staff and other personnel do you expect?  
Specify time period (i.e., day, hour, or shift).

Total staff - 15  
\_\_\_\_\_  
Staff per shift - 7  
\_\_\_\_\_

6. Please describe the proposed hours and days of operation of the proposed use:

Day:	Hours:
<u>Monday - Saturday</u>	<u>11:00 AM - 12 Midnight</u>
<u>Sunday</u>	<u>Noon to 12 Midnight</u>
_____	_____
_____	_____

7. Please describe any potential noise emanating from the proposed use.

A. Describe the noise levels anticipated from all mechanical equipment and patrons.

Noise will not emanate from the property.  
\_\_\_\_\_  
\_\_\_\_\_

B. How will the noise be controlled?

N/A  
\_\_\_\_\_  
\_\_\_\_\_

8. Describe any potential odors emanating from the proposed use and plans to control them:

N/A

9. Please provide information regarding trash and litter generated by the use.

- A. What type of trash and garbage will be generated by the use? (i.e. office paper, food wrappers)

Paper and food trash, recyclables.

- B. How much trash and garbage will be generated by the use? (i.e. # of bags or pounds per day or per week)

12 cubic yard dumpster, emptied 3 times per week.

- C. How often will trash be collected?

3 times per week.

- D. How will you prevent littering on the property, streets and nearby properties?

Restaurant staff to monitor vicinity.

10. Will any hazardous materials, as defined by the state or federal government, be handled, stored, or generated on the property?

[ ] Yes. ☒ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

N/A

- 11.** Will any organic compounds, for example paint, ink, lacquer thinner, or cleaning or degreasing solvent, be handled, stored, or generated on the property?

☐ Yes. ☒ No.

If yes, provide the name, monthly quantity, and specific disposal method below:

N/A

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- 12.** What methods are proposed to ensure the safety of nearby residents, employees and patrons?

Safety training provided for each employee.

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## **ALCOHOL SALES**

**13.**

- A. Will the proposed use include the sale of beer, wine, or mixed drinks?

☒ Yes ☐ No

If yes, describe existing (if applicable) and proposed alcohol sales below, including if the ABC license will include on-premises and/or off-premises sales.

Alcohol sales of beer and wine only; on-premise sales only.

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**PARKING AND ACCESS REQUIREMENTS**

- 14.** A. How many parking spaces of each type are provided for the proposed use:

    N/A     Standard spaces  
    N/A     Compact spaces  
    N/A     Handicapped accessible spaces.  
    N/A     Other.

Planning and Zoning Staff Only

Required number of spaces for use per Zoning Ordinance Section 8-200A \_\_\_\_\_

Does the application meet the requirement?

☐ Yes ☐ No

- B. Where is required parking located? (*check one*) N/A

☐ on-site

☐ off-site

If the required parking will be located off-site, where will it be located?

\_\_\_\_\_

**PLEASE NOTE:** Pursuant to Section 8-200 (C) of the Zoning Ordinance, commercial and industrial uses may provide off-site parking within 500 feet of the proposed use, provided that the off-site parking is located on land zoned for commercial or industrial uses. All other uses must provide parking on-site, except that off-street parking may be provided within 300 feet of the use with a special use permit.

- C. If a reduction in the required parking is requested, pursuant to Section 8-100 (A) (4) or (5) of the Zoning Ordinance, complete the PARKING REDUCTION SUPPLEMENTAL APPLICATION.

☐ Parking reduction requested; see attached supplemental form

- 15.** Please provide information regarding loading and unloading facilities for the use:

- A. How many loading spaces are available for the use? No loading spaces are required, per section 8-200(B)(5), building erected prior to June 25, 1963.

Planning and Zoning Staff Only

Required number of loading spaces for use per Zoning Ordinance Section 8-200 \_\_\_\_\_

Does the application meet the requirement?

☐ Yes ☐ No

SUP # 2009-0011

- C. During what hours of the day do you expect loading/unloading operations to occur?
- Early morning hours, prior to 10:00 AM.

- D. How frequently are loading/unloading operations expected to occur, per day or per week, as appropriate?
- Loading to occur daily.

- 16.** Is street access to the subject property adequate or are any street improvements, such as a new turning lane, necessary to minimize impacts on traffic flow?
- Street access is adequate.

## SITE CHARACTERISTICS

- 17.** Will the proposed uses be located in an existing building? ☒ Yes ☐ No
- Do you propose to construct an addition to the building? ☐ Yes ☒ No
- How large will the addition be? 0 square feet.
- 18.** What will the total area occupied by the proposed use be? Approximately 1,700 square feet of the building.
- sq. ft. (existing) +            sq. ft. (addition if any) =            sq. ft. (total) N/A
- 19.** The proposed use is located in: (*check one*)
- ☒ a stand alone building
- ☐ a house located in a residential zone
- ☐ a warehouse
- ☐ a shopping center. Please provide name of the center: \_\_\_\_\_
- ☐ an office building. Please provide name of the building: \_\_\_\_\_
- ☐ other. Please describe: \_\_\_\_\_

## End of Application





# RESTAURANT

1. How many seats are proposed?

Indoors: 50

up to 10  
Outdoors: 10

Total number proposed: 60

(to be filed under the City's administrative process)

Alcoholic beverages (**SUP only**) XX Yes        No

Beer and wine — on-premises	XX	Yes	No
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Beer and wine — off-premises                      Yes        XX       No

Burgers, french fries, desserts, shakes and beverages.

XX	table service	bar	XX	carry-out	delivery
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Will delivery drivers use their own vehicles?	Yes	N/A	No
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Where will delivery vehicles be parked when not in use?

N/A

\_\_\_\_\_ Yes XX No

If yes, please describe:

**Parking impacts.** Please answer the following:

1. What percent of patron parking can be accommodated off-street? (check one)
  - ☐ 100% \*Pursuant to Zoning Ordinance Section 8-300(c), no off-street
  - ☐ 75-99% parking is required. However, there are public parking
  - ☐ 50-74% facilities within the vicinity.
  - ☐ 1-49%
  - ☒ No parking can be accommodated off-street
  
2. What percentage of employees who drive can be accommodated off the street at least in the evenings and on weekends? (check one)
  - ☐ All
  - ☐ 75-99%
  - ☐ 50-74%
  - ☐ 1-49%
  - ☒ None
  
3. What is the estimated peak evening impact upon neighborhoods? (check one)
  - ☒ No parking impact predicted
  - ☐ Less than 20 additional cars in neighborhood
  - ☐ 20-40 additional cars
  - ☐ More than 40 additional cars

**Litter plan.** The applicant for a restaurant featuring carry-out service for immediate consumption must submit a plan which indicates those steps it will take to eliminate litter generated by sales in that restaurant.

The restaurant staff will monitor for litter regularly.

**Alcohol Consumption and Late Night Hours.** Please fill in the following information.

1. Maximum number of patrons shall be determined by adding the following:
 

60	Maximum number of patron dining seats	
+	0	Maximum number of patron bar seats
+	0	Maximum number of standing patrons
=	60	Maximum number of patrons
  
2. 7 Maximum number of employees by hour at any one time
  
3. Hours of operation. Closing time means when the restaurant is empty of patrons.(check one)
  - ☐ Closing by 8:00 PM
  - ☐ Closing after 8:00 PM but by 10:00 PM
  - ☒ Closing after 10:00 PM but by Midnight
  - ☐ Closing after Midnight
  
4. Alcohol Consumption (check one)
  - ☐ High ratio of alcohol to food
  - ☐ Balance between alcohol and food
  - ☒ Low ratio of alcohol to food

### **3.) Narrative Description**

The Burger Joint (the "Applicant") is requesting an SUP in order to establish a gourmet burger restaurant at 106-108 N. Washington Street. This site was previously occupied by Timberrmans Drug Store which is now vacant. The Applicant intends to preserve the existing building facade, and redesign the interior to accommodate the proposed restaurant.

The Burger Joint currently has a restaurant operating in Bethesda, Maryland and looks forward opening a second location in Old Town Alexandria. In addition to the traditional beef burger, the restaurant serves a wide variety of other burgers such as veggie, Ahi tuna and lobster burgers with fresh, high-quality ingredients, french fries made with organic Yukon Gold or organic sweet potatoes, shakes, desserts and beverages. The restaurant proposes to serve beer and wine for on-premises consumption only.

There are a maximum of 60 restaurant seats proposed. Fifteen restaurant employees are proposed, with seven employees per shift. The Applicant requests hours of operation from 11:00 AM to 12 midnight Monday through Saturday and from noon to midnight on Sunday. At The Burger Joint, customers order at the main counter for take-out food or may be seated at a table and assisted by full service wait staff. Interior alterations to the building are proposed and The Burger Joint will be filing a separate application for a Certificate of Appropriateness from the BAR for any proposed exterior lighting, signage, awnings, etc.

Pursuant to Zoning Ordinance Section 8-300(C), because the restaurant is located within the Central Business District, no off-street parking is required for this use. However, adequate street parking is provided within proximity to the restaurant as there are three public parking opportunities within a few blocks, including the N. St. Asaph Street lot, the N. Alfred Street garage and the 418 Cameron Street garage. It is anticipated that most customers will be nearby residents, office workers, and visitors to the City who will arrive at the restaurant on foot.

The Burger Joint will offer a new choice for dining within the City's Old and Historic District while furthering the goals for the Central Business District and vision of the King Street Retail Strategy. The Burger Joint looks forward to creating a people-oriented, vibrant and pedestrian friendly restaurant at 106-108 N. Washington Street and is a business which enjoys becoming an involved member of the local community.